

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Food Lion, LLC, and Maryland and Virginia  
Milk Producers Cooperative Association,  
Inc.

*Plaintiffs,*

v.

Dairy Farmers of America, Inc.,

*Defendant.*

Case No. 1:20-cv-00442

**BRIEF IN SUPPORT OF JOINT MOTION FOR ENTRY OF  
A STIPULATED PROTECTIVE ORDER AND RULE 502(d) ORDER**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Rule 502(d) of the Federal Rules of Evidence and Local Rules 7.3 and 26.2, Plaintiffs Food Lion, LLC and Maryland and Virginia Milk Producers Cooperative Association, Inc. (collectively “Plaintiffs”) and Defendant Dairy Farmers of America, Inc. (“DFA”), submit this brief in support of their motion for entry of a Protective Order and a Rule 502(d) Order concerning procedures for the filing of documents under seal.

1. This action relates to alleged violations of the Clayton Act and Sherman Act and a request for injunctive relief. ECF No. 1.

2. On June 10, 2020, the Court granted Plaintiffs’ motion for expedited discovery in part. ECF No. 28. On July 2, 2020, the Court entered a Stipulated Discovery and Briefing Schedule Order, with an expedited schedule resulting in a trial on the merits under Rule 65(a)(2). ECF No. 40. On July 24, 2020, the Court denied DFA’s

motion to dismiss. ECF No. 44. Since then, the parties have exchanged discovery requests , began producing documents, and conducted multiple discovery conferences.

3. The parties anticipate that discovery in this matter will involve productions of documents and information that will include confidential, proprietary or private information. In accordance with Federal Rule 26(f), the parties have discussed these issues and determined that a protective order would be appropriate. In the stipulated Protective Order and the Rule 502(d) Order, the parties agreed to include provisions under Rule 502(d) of the Federal Rules of Evidence governing the protection of confidential, privileged, or otherwise protected material.

4. The parties agree the stipulated Protective Order and Rule 502(d) Order will promote efficiency in the exchange of information and documents and protect against harm that would result from unauthorized disclosure. As a result, good cause exists for their entry. The parties therefore request that the Court grant their motion, and enter the proposed stipulated Protective Order and Rule 502(d) Order attached as Exhibit A and Exhibit B to the Joint Motion.

Respectfully submitted this 26th day of August 2020.

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**CERTIFICATE OF WORD COUNT**

I hereby certify that the foregoing brief complies with the word count limitations set forth in Local Rule 7.3.

August 26, 2020

/s/ Ryan G. Rich  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the users registered on the CM/ECF system.

August 26, 2020

/s/ Ryan G. Rich

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